

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 465 of 1998

to

FIRST APPEAL No 467 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SPL.LAQ OFFICER

Versus

BHARATBHAI SHANKARBHAI PARMAR, DECD. THRO' HIS HEIRS

Appearance:

Mr.A.B.Vyas, ASSTT.GOVERNMENT PLEADER for
Appellants.

Mr.K.M.Sheth for respondents.

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 05/05/98

ORAL JUDGEMENT

Admitted. Mr.K.M.Sheth waives service of notice
for the respondents.

This is a group of three First Appeals filed by the Special Land Acquisition Officer, Narmada Project, Unit No.1, Vadodara under section 54 of the Land Acquisition Act challenging the common judgment and award dated 14.8.1997 passed by the learned Joint District Judge, Panchmahals at Godhra in Land Acquisition Reference Nos.154,155,156 and 89 of 1989.

Notification under section 4 of the Land Acquisition Act was published on 19.9.1986 for acquiring agricultural land belonging to the claimants situated in village Madar, Taluka Halol, District Panchmahals. The lands were acquired for construction of Narmada Main Canal. The Land Acquisition Officer by his award dated 18.2.1989 awarded compensation at the rate of Re.1/- per sq. metre. On reference under section 18 of the Act, the learned Joint District Judge increased the rate of compensation from Re.1/- to Rs.8/- per sq. metre.

The learned Advocate for the respondents produced a copy of the judgment of the Division Bench dated 6.2.1995 in First Appeals No.441/95 to 454/95.

In the cases before the Division Bench, lands of village Gadit, Taluka Halol were acquired for the same purpose and the notification under section 4 was dated 9.11.1985 and the District Court had awarded compensation at the rate of Rs.8/- per sq. metre. But the Division Bench relying on the award of Rs.7/- per sq. metre made in respect of lands of village Amrapuri for the same project under section 4 notification dated 7.4.1986, reduced the rate of compensation from Rs.8/- to Rs.7/-per sq. metre. It is not in dispute that the lands of village Madar are in the vicinity of villages Gadit and Amrapuri. In the circumstances, in the present group of cases the claimants are entitled to compensation at the same rate as that awarded to the claimants in the other cases referred to above. These appeals are, therefore, partly allowed and the rate of compensation is reduced from Rs.8/- to Rs.7/- per sq. metre. The claimants will be entitled to solatium and other benefits under the Act on the said amount. The appellants shall deposit the awarded amount within eight weeks from today. There will be no order as to costs.

(M.C.Patel,J.)
